UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,831	03/02/2007	Jochen Peters	N0484.70066US00	7426

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EXAMINER
OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/595,831	PETERS ET AL.
	Examiner	Art Unit
	MICHAEL N. OPSASNICK	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 May 2006</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-20</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>15 May 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

2.   Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. Claims 15-17 are non-statutory under the most recent

interpretation of the Interim Guidelines regarding 35 U.S.C.101 because although this claim is

toward a computer program product, as claimed (and disclosed in the specification),

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     "The broadest reasonable interpretation of a claim drawn to a computer
readable medium (also called machine readable medium and other such
variations) typically covers forms of non-transitory tangible media and
transitory propagating signals per se in view of the ordinary and customary
meaning of computer readable media, particularly when the specification is
silent.  See MPEP 2111.01.  When the broadest reasonable interpretation of a
claim covers a signal per se, the claim must be rejected under 35 U.S.C. §
101 as covering non-statutory subject matter.
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Hence, claims 15-17 are drawn to non-statutory subject matter. Furthermore, claims 15-

17 do not define any structural and functional interrelationship between the computer program

and other claimed elements of a computer which permit the computer program's functionality to

be realized (Warmerdam, 33 F.3d at 1361,31 USPQ2d at 1760; Lowry, 32 F.3d at 1583-84, 32

USPQ2d at 1035).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by <u>Kanevsky et al</u>

<u>(6529902)</u> .

        As per claim 1, <u>Kanevsky et al (6529902)</u> teaches a method of segmentation of a text

(512) into text sections and assigning a topic to each text section on the basis of annotated

training data (as segmenting text – fig. 1a; based on topic – fig 1b, derived from training data –

fig. 1a, subblock 00), the method comprising the steps of:segmenting the text (512) into text

sections by making use of statistical models (514) extracted from training data (as performing

left to right and right to left LM's – Fig. 1a, subblock 04,05),assigning a topic being indicative of

the content of the text section to each text section by making use of the statistical models

extracted from the training data (as topic assignments - fig. 1b, subblock 101; using a set of topic

probabilities – fig. 2; and performing a testing loop – fig. 2, subblock 205), generating a

structured text by inserting a label as a section heading into the text in order to assign the label to

the text section (as labeling – col. 9 lines 1-17) ,providing the structured text to a user (506) and

processing of modifications of the structured text in response to a user's review (as reprocessing

according to the user's choosing/review – col. 10 lines 18-30).

As per claims 2,3, Kanevsky et al (6529902) teaches the method according to claim 1,

wherein the topic assigned to a text section is further assigned to a set of labels (410), one of

which being assigned to the text section and inserted as section heading into the text (As

identification of label sets – col. 9 lines 44-60).

As per claim 4, Kanevsky et al (6529902) teaches the method according to claim 1,

wherein the text modification comprises a modification of the segmentation of the text into

sections and/or a modification of the assignment between a label and a text section (as

changing/modification of label assignments – col. 10 lines 35-60).

As per claim 5, Kanevsky et al (6529902) teaches the method according to claim 3,

wherein the modification of the structured text comprises: assigning a label to a text section by

selecting one label (412, 414, . . .) of the set of labels (410) assigned to the topic that is assigned

to the text section,re-defining a section boundary by selecting an assigned label (406) at a first

position in the text and moving the assigned label to a second position within the text, the second

position defining the section boundary, and the selected label defining the section heading,

entering a label and assigning the entered label to the text section (as redefining

sections/boundaries that cause a shift/position change – col. 11 line 40 – col. 12 line 15).

As per claim 6, <u>Kanevsky et al (6529902)</u> teaches the method according to claim 1,

wherein the processing of modifications of the structured text (518) comprises performing

modifications in the text in response to the user's review and successively triggering the steps

of:re-segmenting the text into text sections by making use of the statistical models (514)

extracted from the training data and by making reference to the performed modifications,re-

generating a structured text (518) by inserting a label as a section heading into the text by

making reference to the performed modifications, assigning the label to the text section and

providing the structured text to the user for review (as changing/modification of label

assignments – col. 10 lines 35-60; which are triggered by user's choices/selections -- col. 10

lines 18-30).

As per claims 7-9, <u>Kanevsky et al (6529902)</u> teaches replacement text as a heading (col.

12 lines 48-56); text segmentation controlled by user (col. 10 lines 18-30); and analyzing the

modifications to adapt the statistical models (col. 13 lines 7-45).

Claims 10-14,18-20 are system/interface claims that perform the method steps of claims

1-9; as such, claims 10-14,18-20 are similar in scope and content to claims 1-9 above and are

therefore rejected under similar rationale as presented against claims 1-9 above.

Claims 15-17 are computer product claims that perform the method steps of claim 1-9; as such, claims 15-17 are similar in scope and content to claims 1-9 above and are therefore rejected under similar rationale as presented against claims 1-9 above.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.   Please see related art listed on the PTO-892 form.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael N. Opsasnick/
Primary Examiner, Art Unit 2626
9/2/2010